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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,531	02/23/2004	David M. Stravitz	03672/LH	1565

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,531	STRAVITZ, DAVID M.	
	Examiner	Art Unit	
	James M. Hewitt	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 39-51 is/are pending in the application.
- 4a) Of the above claim(s) 3,6-12,14,15 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,13,18-21,25,39-43,45-48 and 50 is/are rejected.
- 7) ☒ Claim(s) 16,17,44,49 and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 3, 6-12, 14-15 and 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/15/05.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the locking means on each of the first and second engagement portions (claim 20) must be shown in Figure 7A or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application

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must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On line 9 of the paragraph beginning on line 22 of page 13, "member" should be inserted after "semi-cylindrical".

On line 8 of the paragraph beginning on line 2 of page 24, "and 7A" should be deleted.

Appropriate correction is required.

Claim Objections

Claims 18, 39, 44, 47 and 51 are objected to because of the following informalities:

In claim 18, line 5, the first instance of "first" should be replaced with "second" so as to be in accord with the specification and drawings.

In claim 18, line 6, "first" should be replaced with "second" so as to be in accord with the specification and drawings.

In claim 39, line 2, "first" should be replaced with "second" so as to be in accord with the specification and drawings.

In claim 44, line 1, "first" should be replaced with "second" so as to be in accord with the specification and drawings.

In claim 44, line 3, "second" should be replaced with "first" so as to be in accord with the specification and drawings.

In claim 44, line 4, "first" should be replaced with "second" so as to be in accord with the specification and drawings.

Claim 47 should depend from claim 46 and not from claim 45 so as to provide proper antecedent basis for "said hinge".

In claim 51, line 9, "first" should be replaced with "second" so as to be in accord with the specification and drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 13, 18, 21 and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Warner (US 1,020,002).

Warner discloses a connector for connecting a pair of tubular components together, comprising: a pair of generally semi-cylindrical rigid members (see FIG. 1) each having first edge and a second edge (as at 4 and 8), said semi-cylindrical members being rotatably connected together at said first edge (via the hinge) and separable from one another at said second edge to thereby provide said semi-cylindrical members with an open position in which said second edges are separated from one another and a closed position in which said second edges are opposite one another; and locking means (bolted flange connection) arranged in connection with said semi-cylindrical members for locking said semi-cylindrical members to one another with said second edges opposite one another; each of the semi-cylindrical members includes first and second engagement portions, one of the semi-cylindrical members including an extension portion contiguous with the first engagement portion and extending axially outward from the first engagement portion in a direction away from said second engagement portion to thereby provide the member with a larger axial length than the other; a hinge (6) is provided on one of the members for connecting the first edge of one of the members to the first edge of the other member; locking flanges (portions of corrugations) are formed on the inner surfaces of engagement portions of the members.

Claim 50 is rejected under 35 U.S.C. 102(e) as being anticipated by Mills (US 2004/0061335 A1).

Mills discloses a connector for connecting a pair of tubular components together, comprising: a pair of generally semi-cylindrical rigid members (26) each having first edge and a second edge, said semi-cylindrical members being rotatably connected together at said first edge (via the hinge) and separable from one another at said second edge to thereby provide said semi-cylindrical members with an open position in which said second edges are separated from one another and a closed position in which said second edges are opposite one another; and locking means (lever) arranged in connection with said semi-cylindrical members for locking said semi-cylindrical members to one another with said second edges opposite one another; locking flanges (18) formed on an inner surface of one member, the flanges being spaced from axial edges of one of the members.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warner in view of Martin (US 5,351,996).

Warner fails to teach that said hinge a living hinge integrally formed in connection with said first and second semi-cylindrical members. Martin teaches a similar device comprised of two semi-cylindrical members joined by a living hinge (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Warner's hinge with Martin's hinge as a matter of design choice.

Claims 5, 19, 20, 42, 43, 45, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner in view of Mills (US 2004/0061335 A1).

Warner teaches all the limitations of claims 5, 19, 20, 42, 43 and 45 as described above except that the locking means comprise a locking lever pivotally arranged on only one of the first and second engagement portions of a first one of said semi-cylindrical members, a tension lever connected to said locking lever, and a projection formed on the respective one of the first and second engagement portions of a second one of said semi-cylindrical members, said projection including a groove facing away from the second edge of the second semi-cylindrical member, said locking lever being pivotable to enable said tension lever to extend beyond said second edge of the said first cylindrical member and enter into said groove. Mills teaches a similar coupling device for connecting corrugated conduit, the device comprising locking means having a locking lever (38), tension lever (50), projection (36) and groove (defined by the projection 36) as claimed. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Warner's locking

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means with that as taught by Mills in order to more better and more reliably secure a pipe to be connected and to avoid potentially losing or misplacing the nut and bolt.

With respect to claim 20, Warner as modified by Mills, discloses the claimed invention except for two locking means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ two adjacent locking means, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warner in view of Mills (US 2004/0061335 A1), as applied to claim 45 above, and further in view of Martin.

Warner as modified by Mills fails to teach that said hinge a living hinge integrally formed in connection with said first and second semi-cylindrical members. Martin teaches a similar device comprised of two semi-cylindrical members joined by a living hinge (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Warner's hinge with Martin's hinge as a matter of design choice.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warner.

Warner fails to teach a sealing layer arranged to extend circumferentially over inner surface of the semi-cylindrical members. Examiner takes official notice of the use

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of sealant (e.g. that is brushed or otherwise applied) to the inner surface of pipe members in order to provide further securement and sealing between coupled pipes.

Allowable Subject Matter

Claims 16, 17, 44, 49 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note the above objections to claims 44 and 51 (see ***Claim Objections*** above).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
11/27/06


JAMES M. HEWITT
PRIMARY EXAMINER